

DATE

Gerardo Rios  
Chief, Air Permits Office (Air-3)  
EPA Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

SUBJECT: 40 CFR Part 51, Appendix S Applicability

Dear Mr. Rios:

This letter is in response to your request for additional information regarding compliance with the federal new source review (NSR) requirements for {ozone and/or fine particulate matter (PM<sub>2.5</sub>)} in the interim while {that/those} national ambient air quality standards (NAAQS) are incorporated into our NSR program. In particular, you have asked us to acknowledge the applicability of 40 Code of Federal Regulations (CFR) part 51, Appendix S to new and modified major sources during the period prior to EPA's approval of an NSR program applicable to our {ozone and/or PM<sub>2.5</sub>} non-attainment area{s}.

As you are aware, {add "a portion of," if applicable} the {insert name of District} is currently classified as a {e.g., marginal, moderate, etc} nonattainment area under the {1997 and/or 2008 and/or 2015} ozone NAAQS {and/or a moderate nonattainment area under the {1997 and/or 2006} PM<sub>2.5</sub> NAAQS}. Accordingly, we {adopted or revised} Rule(s) {XYZ – Insert Title} on {insert date} and ARB submitted the rule(s) to EPA for SIP approval on {insert date}. {OR} Accordingly, we are planning on {adopting new or revising} Rule {XYZ – Insert Title} by {insert month and year.}.

**Commented [SP1]:** District to update as applicable

Until EPA takes a final action to approve our nonattainment NSR program, we acknowledge that the applicable requirements of 40 CFR part 51, Appendix S apply to any new major source or major modification of a major source, as defined therein, for sources emitting {volatile organic compounds (VOCs) and nitrogen oxides (NO<sub>x</sub>) as ozone precursors and/or direct PM<sub>2.5</sub> and sulfur oxides (SO<sub>x</sub>), VOC, NO<sub>x</sub> and ammonia as PM<sub>2.5</sub> precursors}.

{Signature block}

eC: Jin Xu, Matthew Densberger (ARB)  
Panah Stauffer, Noah Smith (EPA Region 9)